IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 66 OF 1988.

Manavi Trust, Bombay. ..Applicant.
vs.
The Commissioner of Income-tax,
Bombay City-VII, Bombay. ..Respondent.

None for the applicant.

Dr. P. Daniel for the respondent

CORAM : V.C.DAGA AND A.S.AGUIAR, JJ.

DATED : 11th July 2005.

P.C. :

. By this reference under section 256 of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following question of law for the opinion of this Court:

1. Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that the income of the Assessee Trust was assesable in the hands of the Trustees of the said Trust under section 164 (1) of the Act and under section 161 of the Act?"

. Learned counsel for the parties agreed that the question referred to above is squarely covered by the judgment of this Court in the case of **C.I.T. vs.Trustees of the Trust for Relatives of Mrs.Suneeti Raje A.Apte Trust (1999) 240 ITR**

. In this view of the matter, for the reasons recorded in the in the aforesaid judgment, the above question is answered in the affirmative i.e. in favour of the assessee and against the revenue.

. Reference accordingly stands disposed of with no order as to costs.

(A.S.AGUIAR, J.) **(V.C.DAGA, J.)**